

THE BAHAMAS 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Commonwealth of The Bahamas is a constitutional parliamentary democracy. Prime Minister Hubert Minnis's Free National Movement won control of the government in 2017 elections international observers found free and fair.

The Royal Bahamas Police Force maintains internal security. The Royal Bahamas Defence Force is primarily responsible for external security but also provides security at the Carmichael Road Detention Centre (for migrants) and performs some domestic security functions, such as guarding foreign embassies. Both report to the minister of national security. Civilian authorities maintained effective control over the security forces.

In September Hurricane Dorian, the worst humanitarian disaster in the history of the country, directly struck Grand Bahama and Abaco, the second- and third-most populated islands, respectively, displacing thousands of residents and causing billions of dollars in damage.

Significant human rights issues included violence by prison guards against prisoners. Libel is criminalized, although it was not enforced during the year.

The government took action to prosecute police officers, prison officials, and other officials accused of abuse of power and corruption.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings. In July the Royal Bahamas Police Force (RBPF) reported shootings by police had decreased by 62 percent from 2018.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits torture and cruel, inhuman, or degrading treatment or punishment. At times citizens and visitors alleged instances of cruel or degrading treatment of criminal suspects or of migrants by police or immigration officials. In February media reported an incident in which police allegedly tortured three persons in Eleuthera in an attempt to force a confession. The three persons were subsequently released. In August human rights advocates called for an independent body to investigate allegations of police brutality and misconduct following an alleged physical assault of two young women by a police officer in Exuma. As a result of an investigation by the Police Disciplinary Tribunal, the RBPF suspended the involved police officer.

Prison and Detention Center Conditions

Conditions at the government's only prison, the Bahamas Department of Correctional Services (BDCS) facility commonly known as Fox Hill Prison, were harsh due to overcrowding, poor nutrition, and inadequate sanitation, ventilation, and medical care.

Physical Conditions: Overcrowding, poor sanitation, and inadequate access to medical care and drinking water remained problems in the men's maximum-security block. The BDCS facility was designed to accommodate 1,000 prisoners, but it sometimes housed several hundred more. Juvenile pretrial detainees were held with adults at the BDCS remand center, a minimum-security section of the prison.

The government stated inmates consistently received three meals a day, but some inmates and nongovernmental organizations (NGOs) reported inmates received only two meals per day, with a meal sometimes consisting only of bread with cheese and tea. Fresh fruit and vegetables were rare to nonexistent. Prisoners reported infrequent access to clean drinking water and an inability to store potable water due to a lack of storage containers. Maximum-security cells for men measured approximately six feet by 10 feet and held up to six persons with no mattresses, running water, or toilet facilities. Inmates removed human waste by bucket. Prisoners complained about the lack of beds and bedding. Some inmates developed bedsores from lying on the bare ground. Sanitation was a general problem, with cells infested with rats, maggots, and insects. Ventilation was also a problem, and some inmates complained of mold and mildew, a common problem

in the country. The government claimed to provide prisoners in maximum-security areas access to toilets and showers one hour a day, but some prisoners reported they had access for only 15 minutes twice a week. The women's facilities were generally more comfortable, with dormitory-style quarters and adequate bathrooms.

The availability of clearly labeled, prescribed pharmaceuticals and access to physician care were sporadic. There was inadequate access to the men's second-floor medical center for sick inmates or inmates with disabilities.

Administration: The Internal Affairs Unit and a disciplinary tribunal at the BDCS facility are responsible for investigating any credible allegations of abuse or substandard conditions. There were no such investigations during the year.

Independent Monitoring: Human rights organizations complained the government did not consistently grant requests by independent human rights observers for access to the BDCS facility, the Carmichael Road Detention Centre (for migrants), and the two juvenile centers. The government had additional bureaucratic requirements for some civil society organizations to gain access to the detention center, making it difficult to visit detainees on a regular basis. The Office of the UN High Commissioner for Refugees (UNHCR) reported it was regularly able to visit the primary detention centers and the "safe house" for women and children to speak with detainees held there, including asylum seekers and refugees.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions, with the exception of immigration raids (see below and section 2.f.). The constitution provides for the right of any person to challenge the lawfulness of their arrest or detention in court, although this process sometimes took several years.

Arrest Procedures and Treatment of Detainees

The RBPF generally conducted arrests openly and, when required, obtained judicially issued warrants. Serious cases, including suspected narcotics or firearms offenses, do not require warrants where probable cause exists. The law says authorities must charge a suspect within 48 hours of arrest. Arrested persons must appear before a magistrate within 48 hours (or by the next business day for cases arising on weekends and holidays) to hear the charges against them, although some

persons on remand claimed they were not brought before a magistrate within the 48-hour period. Police may apply for a 48-hour extension upon simple request to the court and for longer extensions with sufficient showing of need. The government respected the right to a judicial determination of the legality of arrests. The constitution provides the right for those arrested or detained to retain an attorney at their own expense; volunteer legal aides were available only for serious felonies being tried in the Supreme Court. Access to legal representation was inconsistent, including for detainees at the detention center. Minors receive legal assistance only when charged under offenses before the Supreme Court; otherwise, there is no official representation of minors before the courts.

A functioning bail system exists. Individuals who were unable to post bail were held on remand until they faced trial. Judges sometimes authorized cash bail for foreigners arrested on minor charges; however, foreign suspects generally preferred to plead guilty and pay a fine.

In July the Department of Immigration, along with the RBPF, apprehended 28 Haitian nationals during an early morning joint operation in New Providence that turned violent. Witnesses and civil society representatives stated the officers conducting the raid failed to present warrants and physically assaulted residents. Several Bahamians were detained, including a Haitian-Bahamian human rights advocate. After the operation the Department of Immigration said its officers were assaulted while carrying out their duties during the operation. In November a magistrate court dismissed charges against a 19-year-old woman accused of intent to cause harm to an immigration officer.

Pretrial Detention: Attorneys and other prisoner advocates continued to complain of excessive pretrial detention due to the failure of the criminal justice system to try even the most serious cases in a timely manner. The constitution provides that authorities may hold suspects in pretrial detention for a “reasonable period of time,” which was interpreted as two years. Authorities released selected suspects awaiting trial with an ankle bracelet on the understanding the person would adhere to strict and person-specific guidelines defining allowable movement within the country.

The Department of Immigration detained irregular migrants, primarily Haitians, while arranging for them to leave the country or until the migrant obtained legal status. The average length of detention varied significantly by nationality, by the willingness of other governments to accept their nationals back in a timely manner, and by the availability of funds to pay for repatriation. Authorities aimed to

repatriate Haitians within one to two weeks. During the year the government dispatched magistrates to the southern islands to adjudicate cases of interdicted irregular migrants, a change implemented to provide further due process.

The government continued to enforce the law requiring noncitizens to carry their passport and proof of legal status in the country. Some international organizations alleged that enforcement focused primarily on individuals of Haitian origin, that the rights of children were not respected, and that expedited deportations did not allow time for due process. There were also widespread credible reports that immigration officials solicited and accepted bribes to prevent detention or to grant release.

Activists for the Haitian community acknowledged alleged victims filed few formal complaints with government authorities. Activists attributed this to a widespread perception of impunity for police and immigration authorities, and fear of reprisal. The government denied these allegations.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality. Procedural shortcomings and trial delays were problems. The courts were unable to keep pace with the rise in criminal cases, and there was a continued backlog.

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. Defendants enjoy the right to a presumption of innocence until proven guilty, to be informed promptly and in detail of the charges, to a fair and free public trial without undue delay, to be present at their trial, to have adequate time and facilities to prepare a defense, to receive free assistance of an interpreter, and to present their own witnesses and evidence. Although defendants generally have the right to confront adverse witnesses, in some cases the law allows witnesses to testify anonymously against accused perpetrators in order to protect themselves from intimidation or retribution. Authorities frequently dismissed serious charges because witnesses either refused to testify or could not be located. Defendants have the right not to be compelled to testify or confess guilt, and they have the right to appeal.

Defendants may hire an attorney of their choice. The government provided legal representation only for serious felonies being tried in the Supreme Court, leaving large numbers of defendants without adequate legal representation. Lack of representation contributed to excessive pretrial detention, as some accused lacked the means to advance their cases toward trial.

Numerous juvenile offenders appear in court with an individual who is court-appointed to protect the juvenile's interests (*guardian ad litem*). A conflict arises when the magistrate requests "information" about a child's background and requests the child-welfare social worker to prepare a probation report to include a recommendation on the sentence for the child. In essence the government-assigned social worker tasked with safeguarding the welfare of the child is also tasked with recommending an appropriate punishment for the child.

A significant backlog of cases was awaiting trial. Delays reportedly lasted years, although the government increased the number of criminal courts and continued working to clear the backlog. Once cases went to trial, they were often further delayed due to poor case and court management, such as inaccurate handling or presentation of evidence and inaccurate scheduling of witnesses, jury members, and accused persons for testimony.

Local legal professionals also attributed delays to a variety of longstanding systemic problems, such as slow and limited police investigations, insufficient forensic capacity, lengthy legal procedures, and staff shortages in the Prosecutor's Office and the courts.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, and there is access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and the government generally respected these prohibitions; however, in shantytowns (illegal informal settlements populated primarily by Haitian migrants), witnesses reported habitual warrantless entry of homes by immigration officers without probable cause. Many Haitians claimed immigration officers targeted their dwellings, demanding multiple bribes, once the Haitians' undocumented status was discovered.

While the law usually requires a court order for entry into or search of a private residence, a police inspector or more senior police official may authorize a search without a court order where probable cause exists to suspect a weapons violation or drug possession.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press. Independent media were active and expressed a wide variety of views without restriction.

Libel/Slander Laws: The law criminalizes both negligent and intentional libel, with a penalty of six months' imprisonment for the former and two years for the latter. The government did not use criminal libel laws during the year.

Internet Freedom

The government did not restrict access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authorization.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Internally Displaced Persons

Hurricane Dorian displaced thousands of residents of Grand Bahama, Abaco, and the surrounding cays. While many evacuees stayed with family and friends, the government accommodated more than 2,000 persons, including many undocumented migrants--mostly Haitian--in shelters in New Providence. In the immediate aftermath of the storm, the government implemented a universal policy of providing emergency humanitarian assistance and social services to all, regardless of immigration status, including access to schooling for displaced children.

f. Protection of Refugees

Abuse of Migrants, Refugees, and Stateless Persons: Migrants continued to accuse police and immigration officers of excessive force and warrantless searches, as well as frequent solicitations of bribes by immigration officials (see sections 1.f., 4). Human rights organizations alleged that bias against migrants, particularly those of Haitian descent, intensified in the aftermath of Hurricane Dorian. The government generally enforced its immigration policies equally on all irregular migrants, regardless of nationality or origin.

The government generally cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern.

Refoulement: The government had an agreement with the government of Cuba to expedite removal of Cuban detainees. The announced intent of the agreement was to reduce the amount of time Cuban migrants spent in detention; however,

concerns persisted the agreement allowed for information-sharing that heightened the risk of oppression from the Cuban government of detainees and their families.

Access to Asylum: While the law does not provide protection for asylum seekers, the government issued refugee cards to four asylum seekers in the past year, allowing them to work. Access to asylum in the country is informal, with no legal framework under which legal protections and practical safeguards could be implemented. The lack of refugee legislation or formal policy complicated UNHCR's work to identify and assist asylum seekers and refugees.

According to the government, trained individuals screened applicants for asylum and referred them to the Department of Immigration and the Ministry of Foreign Affairs for further review. Government procedure requires the ministry to forward approved applications to the cabinet for a final decision on granting or denying asylum.

Authorities did not systematically involve UNHCR in asylum proceedings, but they sought UNHCR's advice on specific cases during the year and granted access so that UNHCR could interview detained asylum seekers awaiting deportation.

g. Stateless Persons

Not all individuals born in the country are automatically afforded Bahamian citizenship. For example, children born in the country to non-Bahamian parents, to an unwed Bahamian father and a non-Bahamian mother, or outside the country to a Bahamian mother and a non-Bahamian father do not acquire citizenship at birth. The government did not effectively implement laws and policies to provide certain habitual residents the opportunity to gain nationality in a timely manner and on a nondiscriminatory basis.

Under the constitution, Bahamian-born persons of foreign heritage must apply for citizenship during a 12-month window following their 18th birthday, sometimes waiting many years subsequently for a government response. The narrow window for application, difficult documentary requirements, and long waiting times left multiple generations of persons, primarily Haitians due to their preponderance among the irregular migrant population, without a confirmed nationality. Government policy allows individuals who missed the 12-month window to gain legal permanent resident status with the right to work, but some Haitian residents had difficulty applying because they did not have the necessary documents.

There were no reliable estimates of the number of persons without a confirmed nationality. The government asserted a number of “stateless” individuals had a legitimate claim to Haitian citizenship but refused to pursue it due to fear of deportation or loss of future claim to Bahamian citizenship. Such persons often faced waiting periods of several years for the government to decide on their nationality applications and, as a result, in the interim lacked proper documentation to secure employment, housing, and other public services.

Individuals born in the country to non-Bahamian parents were eligible to apply for “belonger” status that entitled them to work and have access to public high-school-level education and fee-for-service health-care insurance. Belonger permits were readily available. Authorities allowed individuals born in the country to non-Bahamian parents to pay the tuition rate for Bahamian students when enrolled in college and while waiting for their request for citizenship to be processed. The lack of a passport prohibits students from accessing higher education outside the country. In 2017 the government repealed its policy of barring children without legal status from government schools. Community activists alleged some schools continued to discriminate by falsely claiming to be full in order to avoid having to admit children of Haitian descent.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. The long-standing lack of a fully implemented freedom of information act continued to limit citizens’ access to information necessary to inform their political decision-making.

Elections and Political Participation

Recent Elections: Prime Minister Hubert Minnis took office after the Free National Movement (FNM) defeated the incumbent Progressive Liberal Party (PLP) in a general election in 2017. The FNM won 35 of the 39 parliamentary seats, with 57 percent of the popular vote. The PLP won the remaining four seats. Election observers from the Organization of American States and foreign embassies found the elections to be generally free and fair.

Participation of Women and Minorities: No laws limit the participation of women or minorities in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. Officials sometimes engaged in corrupt practices, including accepting small-scale “bribes of convenience,” with impunity. There were isolated reports of other government corruption during the year.

Corruption: Corruption in the Bahamas Department of Correctional Services was a long-standing problem, with allegations by both prisoners and prison wardens. In June a court convicted a former prison officer of smuggling two pounds of marijuana to a prisoner. The court fined the former officer 7,000 Bahamian dollars (B\$) (one Bahamian dollar equals one U.S. dollar).

The campaign finance system is largely unregulated, with few safeguards against quid pro quo donations, creating a vulnerability to corruption. The procurement process was susceptible to corruption, as it contains no requirement to engage in open public tenders. The government nevertheless routinely issued open public tenders. The government had a process for all vendors and suppliers to register on an electronic platform to increase transparency and otherwise to improve the procurement process. The Minnis administration brought corruption charges against three former high-level government officials. As of December, however, two of the three had been acquitted, with claims of witness intimidation and jury tampering, as well as alleged missteps by the police and prosecutors overshadowing the credible allegations of corruption. The trial for a bribery case against a third former official was scheduled to begin in March 2020.

Haitian migrants reported being solicited by immigration officials for bribes to prevent detention.

Financial Disclosure: The Public Disclosure Act requires senior public officials, including senators and members of Parliament, to declare their assets, income, and liabilities annually. The government publishes a summary of the individual declarations. There was no independent verification of the submitted data.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of international and domestic human rights organizations operated without government restriction, investigating and publishing their findings on

human rights cases. Government officials were generally cooperative and responsive to their views.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape of men or women is illegal, but the law does not protect against spousal rape unless the couple is separated, in the process of divorce, or if there is a restraining order in place. The maximum penalty for an initial rape conviction is seven years. The maximum sentence for subsequent rape convictions is life imprisonment; however, the usual maximum was 14 years in prison.

Violence against women continued to be a serious, widespread problem.

The law addresses domestic violence under the Sexual Offenses Act. The government generally enforced the law, although women's rights groups cited some reluctance on the part of law enforcement authorities to intervene in domestic disputes. The Bahamas Crisis Centre provided a counseling referral service and operated a toll-free hotline. The authorities, in partnership with a private organization, operated a safe house.

Sexual Harassment: The law prohibits criminal quid pro quo sexual harassment and authorizes penalties of up to B\$5,000 (\$5,000) and a maximum of two years' imprisonment. During the year there were no official reports of workplace sexual harassment. The government does not have any permanent programs on sexual harassment but conducts campaigns and activities.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law does not prohibit discrimination based on gender. Women with foreign-born spouses do not have the same right as men to transmit citizenship to their spouses or children (see section 2.g., Stateless Persons).

Women were generally free from economic discrimination, and the law provides for equal pay for equal work. The law provides for the same legal status and rights for women as for men; however, women reported it was more difficult for them to qualify for credit and to own a business.

Children

Birth Registration: Children born in the country to married parents, one of whom is Bahamian, acquire citizenship at birth. In the case of unwed parents, the child takes the citizenship of the mother. All children born in the country who are noncitizens may apply for citizenship upon reaching their 18th birthday. All births must be registered within 21 days of delivery.

Child Abuse: The law provides severe penalties for child abuse and requires all persons having contact with a child they believe has been physically or sexually abused to report their suspicions to police; nonetheless, child abuse and neglect remained serious problems.

The Ministry of Social Services provided services to abused and neglected children through a public-private center for children, the public hospital's family violence program, and The Bahamas Crisis Centre.

Early and Forced Marriage: The legal minimum age for marriage is 18, although minors may marry at 15 with parental permission.

Sexual Exploitation of Children: The minimum age for consensual heterosexual sex is 16. The law considers any association or exposure of a child to prostitution or a prostitution house as cruelty, neglect, or mistreatment. The offense of having sex with a minor carries a penalty of up to life imprisonment. Child pornography is against the law. A person who produces child pornography is subject to life imprisonment; dissemination or possession of child pornography calls for a penalty of 20 years' imprisonment.

The penalties for rape of a minor are the same as those for rape of an adult. While a victim's consent is an insufficient defense against allegations of statutory rape, it is a sufficient defense if the accused had "reasonable cause" to believe the victim was older than age 16, provided the accused was younger than age 18.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The local Jewish community was approximately 300 persons. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities, including their access to education, employment, health services, information, communications, public buildings, transportation, the judicial system, and other state services. The government did not enforce these provisions effectively. The law affords equal access for students, but only as resources permit, as decided by individual schools. There were several special-needs schools in Nassau; however, on less-populated islands, children with learning disabilities often lacked adequate access. Special-needs schools on Grand Bahama and Abaco were severely affected by Hurricane Dorian.

A mix of government and private residential and nonresidential institutions provided education, training, counseling, and job placement services for adults and children with disabilities. Children with disabilities attended school through secondary education at a significantly lower rate than other children. They attended school with nondisabled peers or in specialized schools, depending on local resources.

National/Racial/Ethnic Minorities

According to unofficial estimates, between 30,000 and 60,000 residents were Haitians or persons of Haitian descent, making them the largest ethnic minority. Many persons of Haitian origin lived in shantytowns with limited sewage and garbage services, law enforcement, and other infrastructure. Authorities generally granted Haitian children access to education and social services, but interethnic tensions and inequities worsened after thousands of persons of Haitian descent were displaced by Hurricane Dorian.

Members of the Haitian community complained of discrimination in the job market, specifically that identity and work-permit documents were controlled by employers seeking advantage by threat of deportation.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law does not provide antidiscrimination protections to lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals on the basis of their sexual orientation, gender identity, gender expression, or sex characteristics. Consensual same-sex sexual activity between adults is legal. The law defines the age of consent for same-sex individuals as 18, compared with 16 for heterosexual individuals. NGOs reported LGBTI individuals faced social stigma and discrimination.

HIV and AIDS Social Stigma

The law prohibits discrimination in employment based on HIV/AIDS status. Children with HIV/AIDS also faced discrimination, and authorities often did not tell teachers a child was HIV-positive due to fear of verbal abuse from both educators and peers. The government maintained a home for orphaned children with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions, participate in collective bargaining, and conduct legal strikes. The law prohibits antiunion discrimination. By law, employers may be compelled to reinstate workers illegally fired for union activity. Members of the police force, defense force, fire brigade, and prison guards may not organize or join unions, although police used professional associations to advocate on their behalf in pay disputes. Unions can exist without a majority vote from workers, but to be recognized by the government, a union must represent at least 50 percent plus one of the affected workers.

By law, labor disputes must first be filed with the Department of Labour. If not resolved, disputes are transferred to an industrial tribunal, which determines

penalties and remedies, up to a maximum of 26 weeks of an employee's pay. The tribunal's decision is final and may be appealed in court only on a question of law.

The government generally respected freedom of association and the right to collective bargaining, and most--but not all--employers in the private sector did as well.

The government generally enforced the law, although Department of Labour officials admitted some legal reforms were necessary. Penalties varied by case but generally deterred violations. Administrative and judicial procedures were subject to lengthy delays and appeals. The Department of Labour wrote its annual report for the minister but did not provide updated statistics to the public during the year.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The government generally enforced the law effectively. Local NGOs noted exploited workers often did not report their circumstances to government officials due to fear of deportation and lack of education about available resources. Penalties for forced labor were sufficiently stringent to deter violations.

Undocumented migrants were vulnerable to forced labor, especially in domestic servitude, in the agricultural sector, and particularly in the outlying Family Islands. There were reports noncitizen laborers, often of Haitian origin, were vulnerable to compulsory labor and suffered abuse at the hands of their employers, who were responsible for endorsing their work permits on an annual basis. Specifically, local sources indicated employers required noncitizen employees to "work off" the work permit fees, which ranged from B\$750 to B\$1,500 (\$750-\$1,500) for unskilled and semiskilled workers. The risk of losing the permit and the ability to work legally within the country was reportedly used as leverage for exploitation and created the potential for abuse.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all the worst forms of child labor. The law prohibits the employment of children younger than age 14 for industrial work and any work during school hours or between the hours of 8 p.m. and 6 a.m. Children between

the ages of 14 and 17 may work between the hours of 8 p.m. and 6 a.m. but only in hotels, restaurants, food stores, general merchandise stores, and gas stations. Children between the ages of 14 and 17 may work outside school hours under the following conditions: on a school day, for not more than three hours; in a school week, for not more than 24 hours; on a nonschool day, for not more than eight hours; and in a nonschool week, for not more than 40 hours. The government did not have a list of jobs that are considered dangerous, although it intervened when children were performing permissible jobs in dangerous environments (e.g., selling peanuts at a dangerous intersection). Occupational safety and health restrictions apply to all minors. The government does not have a list of light work activities that are permitted for children age 12 and older.

The government generally enforced the law effectively. The Department of Labour reported no severe violations of child labor laws. The penalties for violating child labor laws generally deterred violations.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment based on race, skin color, national origin, creed, sex, marital status, political opinion, age, HIV status, and disability, but not based on language, sexual orientation, gender identity, religion, or social status. The government did not effectively enforce the law. While the law allows victims to sue for damages, many citizens were unable to sue due to a lack of available legal representation and the ability of wealthy defendants to prolong the process in courts.

e. Acceptable Conditions of Work

The minimum wage is above the established poverty line.

The law provides for a 40-hour workweek, a 24-hour rest period, and time-and-a-half payment for hours worked beyond the standard workweek. The law stipulates paid annual holidays and prohibits compulsory overtime. The law does not place a cap on overtime. The government set health and safety standards appropriate to the industries. According to the Department of Labour, the law protects all workers, including migrant workers, in areas including wages, working hours, working conditions, and occupational health and safety standards. Workers do not have the right to refuse to work under hazardous conditions, and legal standards do not cover undocumented and informal economy workers.

The Department of Labour is responsible for enforcing labor laws, including the minimum wage, and it generally enforced the law effectively. It had a team of inspectors that conducted onsite visits to enforce occupational health and safety standards and investigate employee concerns and complaints. Inspections occurred infrequently. The department generally announced inspection visits in advance, and employers generally cooperated with inspectors to implement safety standards. Penalties were sufficient to deter violations. Working conditions varied, and mold was a problem in schools and government facilities, a common problem due to climate conditions.